

REMARKS

Finality of Office Action

The finality of the Office Action is improper. MPEP § 706.07(a) states the following:

... second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

In the current Office Action the Examiner has introduced new prior art rejections against claims 7, 8, 11, 12, and 14. Since each of these claims in the last Response was merely placed in independent form without change of scope, the new prior art rejections were not necessitated by Applicant's amendment of the claims. Applicant therefore respectfully requests the Examiner to remove the final status of the Office Action.

Information Disclosure Statement

The Examiner asserts that the Information Disclosure Statement filed April 4, 2007 fails to comply with the rules because it does not include, for each non-English reference, a concise statement of relevance. It is the Examiner's position that the European Search Report we provided does not satisfy the concise statement requirement because the Report is in German and no English translation is provided.

Applicant disagrees with the Examiner's position. The European Search Report includes the well-known categories of relevance (i.e., "X", "Y", or "A" indication) for each of the non-English references listed. MPEP § 609.04(a)III states the following:

Where the information listed is not in the English language, but was cited in a search report or other action by a foreign patent office in a counterpart foreign application, the requirement for a concise explanation of relevance can be satisfied by submitting an English-language version of the search report or action which indicates the degree of relevance found by the foreign office. *This may be* an explanation of which portion of the reference is particularly

relevant, to which claims it applies, or *merely an "X", "Y", or "A" indication on a search report.*

(Emphasis added.) Therefore in accordance with the MPEP, we have met the requirements for the concise statement of relevance. Applicant therefore respectfully requests the Examiner to consider each of the references submitted in the April 4, 2007 Information Disclosure Statement, as required by the rules.

Double Patenting

Claims 17 and 18 have been provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-4, 6, and 23 of copending Application No. 10/727,102.

Applicant reserves the right to file a terminal disclaimer until such time as allowable subject matter is found.

Claim Rejections – 35 USC 102 and 103

The Examiner issued the following prior art rejections:

(1) Claims 1, 7, 8, 11, 12, and 14-16 have been rejected under 35 USC 102(b) as being unpatentable over Clemente (U.S. Patent No. 4,786,826);

(2) Claims 2, 3, 5, and 6 have been rejected under 35 USC 103(a) as being unpatentable over Applicants admission of prior art (AAPA) in view of Chengson et al. (U.S. Patent No. 5,811,997; hereinafter, "Chengson");

(3) Claim 4 has been rejected under 35 USC 103(a) as being unpatentable over AAPA and Chengson, further in view of Risinger (U.S. Patent No. 5,537,070);

(4) Claims 9 and 10 have been rejected under 35 USC 103(a) as being unpatentable over AAPA in view of Boggs et al. (U.S. Patent No. 6,317,458); and

(5) Claim 13 has been rejected under 35 USC 103(a) as being unpatentable over AAPA in view of Guerra (European Patent Application No. 418,665 A1).

Applicant traverses the prior art rejections for the following reasons.

Claims 1-6, 9, 10, and 13:

Amended independent claim 1 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit, by transmitting corresponding control data to the power chip, can do at least one of the following: input to the power chip the format of the diagnostic data to be output, input to the power chip when it has to output what diagnostic data, input to the power chip which load is to be controlled, taking into consideration which load control data section, and input to the power chip whether the load control data contain redundant data suitable for detecting transmission errors, and what these redundant data are."

Clemente does not teach or suggest these features. Clemente merely teaches a control IC 14 determining, in response to status information, appropriate control information to be provided to a power chip 18 on control output lines 22. For example, if a temperature sensor 32 in the power chip 12 senses that the power chip is rising in temperature towards too great a value, the control IC 14 might react by reducing the duty cycle of a power switching device 28 in the power chip 12. (See col. 3, lines 54-63.)

AAPA, Risinger, Boggs, and Guerra fail to make up for Clemente's deficiencies. Therefore independent claim 1, along with dependent claims 2-6, 9, 10, and 13, are patentable over the applied references for at least this reason.

Claim 7:

Independent claim 7 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit inputs to the power chip, by transmitting corresponding control data to the power chip, ... how great the time interval is in which

the drive of transistors contained in the load control data output drivers has to take place, which transistors must be brought simultaneously from the conducting into the non-conducting state or conversely, but cannot switch at the same speed and can cause a short circuit if the drive is changed simultaneously.

Clemente does not teach or suggest their feature. In fact, the Examiner has not even attempted to point out where in the applied reference he believes this feature to be located. Claim 7 is therefore patentable over Clemente for at least this reason.

Claim 8:

Independent claim 8 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit inputs to the power chip, by transmitting corresponding control data to the power chip, how steep the edges of the signals output by the load control data output drivers have to be."

Clemente does not teach or suggest their feature. In fact, the Examiner has not even attempted to point out where in the applied reference he believes this feature to be located. Claim 8 is therefore patentable over Clemente for at least this reason.

Claim 11:

Independent claim 11 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit inputs to the power chip, by transmitting corresponding control data to the power chip, how it has to respond to the detection of an abnormal state or event."

Clemente does not teach or suggest their feature. In fact, the Examiner has not even attempted to point out where in the applied reference he believes this feature to be located. Claim 11 is therefore patentable over Clemente for at least this reason.

Claim 12:

Independent claim 12 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit inputs to the power chip, by transmitting corresponding control data to the power chip, whether the diagnostic data are to be output together with other information and what this other information consists of."

Clemente does not teach or suggest their feature. In fact, the Examiner has not even attempted to point out where in the applied reference he believes this feature to be located. Claim 12 is therefore patentable over Clemente for at least this reason.

Claim 14:

Independent claim 14 recites "An arrangement including a program-controlled unit and a power chip connected to it, ... wherein the program-controlled unit inputs to the power chip, by transmitting corresponding control data to the power chip, what diagnostic data the power chip has to output."

Clemente does not teach or suggest their feature. In fact, the Examiner has not even attempted to point out where in the applied reference he believes this feature to be located. Claim 14 is therefore patentable over Clemente for at least this reason.

Claims 15 and 16:

Similar to claim 1 discussed above, amended independent claim 15 recites "A system comprising ... a power chip, ... wherein the power chip comprises at least one of: means, responsive to second operation control data received from the program-controlled unit, for configuring an output format of the diagnostic data transmitted onto the bus; means, responsive to third operation control data received from the program-controlled unit, for controlling the transmission of selected portions of the diagnostic data at selected times onto the bus; means, responsive to fourth operation control data received from the program-controlled unit, for configuring the power chip to control a selected load in response to corresponding selected bits of

the transmitted load control data; and means, responsive to fifth operation control data received from the program-controlled unit, for configuring the power chip to identify redundant data in subsequently received load control data transmissions."

Similar to claims 1 and 15, amended independent claim 16 recites "A system comprising ... a power chip, ... wherein the power chip comprises at least one of: a second unit, responsive to third operation control data received from the program-controlled unit, designed to configure an output format of the diagnostic data transmitted onto the bus; a third unit, responsive to fourth operation control data received from the program-controlled unit, designed to control the transmission of selected portions of the diagnostic data at selected times onto the bus; a fourth unit, responsive to fifth operation control data received from the program-controlled unit, designed to configure the power chip to control a selected load in response to corresponding selected bits of the transmitted load control data; and a fifth unit, responsive to sixth operation control data received from the program-controlled unit, designed to configure the power chip to identify redundant data in subsequently received load control data transmissions."

Independent claims 15 and 16 are therefore patentable for at least the same reasons as discussed above for claim 1.

In view of the above amendment, Applicant believes the pending application is in condition for allowance.

In the event a fee is required or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 50-2215.

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Respectfully submitted,

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